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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT—NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MELANIE BERMAN, JULIA HAWKINS, LISA
JONES, LYON LEIFER, AND KATHLEEN
CANFIELD LOFTUS,

Plaintiffs,

v.

23ANDME, INC.

Defendant.

Case No.: 3:23-cv-05345-EMC

**DECLARATION OF ROSS M. GOOD IN
SUPPORT OF PLAINTIFFS' MOTION
TO APPOINT ROSS M. GOOD OF
LOFTUS & EISENBERG, LTD. AS
LEAD COUNSEL OR TO PLAINTIFFS'
EXECUTIVE COMMITTEE**

Date: June 13, 2024

Time: 1:30 PM

Place: Courtroom 5, 17th Floor

Judge: Edward M. Chen

1 I, Ross M. Good, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the
2 following is true and correct:

- 3 1. I am an attorney at Loftus & Eisenberg, Ltd.
- 4 2. I am counsel for MELANIE BERMAN, JULIA HAWKINS, LISA JONES,
5 LYON LEIFER, AND KATHLEEN CANFIELD LOFTUS.
- 6 3. I am admitted pro hac vice in that action.
- 7 4. I have personal knowledge of the following and could competently testify thereto
8 if called upon to do so.
- 9 5. Attached hereto as Exhibit A is the Firm Resume of Loftus & Eisenberg, Ltd.

10 Executed on: April 18, 2024

11 By: /s/Ross M. Good
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EXHIBIT A



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About the Firm pg. 2

Our Attorneys

Alexander N. Loftus, Founding Partner pg. 3

David A. Eisenberg, Founding Partner pg. 5

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About the Firm

Loftus & Eisenberg, Ltd are experienced business litigation attorneys specializing in extremely complex litigation. The firm applies a small team to efficiently take on huge cases and representation of groups of dozens or even hundreds of victims..

We pride ourselves on efficient representation and clients can rest assured that they are getting the most aggressive and thoughtful legal representation.

We handle cases through trial and appeal rm puts its experience in litigating hundreds of business law disputes to work in order to ensure the success of each transaction.saction.

Loftus & Eisenberg's expertise is crucial in navigating the complexities of class action litigation and achieving a favorable outcome for class members.

The team at Loftus & Eisenberg are reputable business litigation lawyers fighting for their clients' rights in Chicago and across the country.





ALEXANDER N. LOFTUS

Founding Partner

EXPERIENCE SUMMARY

Highly skilled in litigating business, intellectual property, commercial, employment, and class action cases. Passionate about fighting for the little guy in failed business transactions and schemes and focuses his practice on being the righter of wrongs.



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HIGHLIGHTS

40 Illinois Attorneys Under 40 to Watch by Chicago Daily Bulletin, 2022

Selected out over 24,000 eligible and 1,200 nominated attorneys

Founder, Loftus and Eisenberg, Ltd. 2000 - present

Illinois Super Lawyer Rising Star 2013-24

Designation to only 2.5% of Illinois attorneys

Chair of the Commercial Litigation Group, Stoltman Law Offices

Trial Attorney, Voelker Litigation Group

"Superb" rating by AVVO, 2013

Alexander Loftus has resolved a wide range of significant cases through mediation, arbitration, and trial across all sectors of commercial litigation, including breach of contract, fraud, professional malpractice, business divorce, and shareholder disputes. Alex focuses on litigating business, intellectual property, commercial, employment, and class action cases and is passionate about fighting for the little guy in a failed business transaction and he prides his practice on being the righter of wrongs.

Alex is the Founding Partner of Loftus and Eisenberg which was established in June of 2020 alongside David Eisenberg. The firm has seen significant growth and success, with nine attorneys working for the firm at the start of 2024. The success of Alex and the firm was clearly recognized when he was named in 2022 as part of the 23rd annual edition of 40 Illinois Attorneys Under 40 to Watch by the Chicago Daily Law and Chicago Lawyer Magazine. Alex was selected out of over 24,000 eligible and 1,200 nominated attorneys for this prestigious award.

Alex has led the team of lawyers at Loftus and Eisenberg to numerous significant wins across all types of business disputes, including using class actions to combat Ponzi Schemes, business break ups, and high stakes litigation. Alex and the firm continue to be one of the top go-to firms for receiving significant client wins through mediations and trials.

One of the firm's highest profile cases was featured on CNBC's American Greed's Streaming and Scheming Episode S15 E15 November 29, 2022 about Hollywood's largest Ponzi Scheme where Loftus and Eisenberg represented many of the investors. This litigation is ongoing but has already yielded over \$24,000,000 in investor recoveries thanks to the firm's representation of over 100 investors.



ALEXANDER N. LOFTUS cont'd

Founding Partner

EXPERIENCE SUMMARY

Other significant wins include:

- Sales representative commission claim settlement for 20 times the amount of commissions the defendant claimed were owed after a year of vigorous discovery and several procedural victories against a foreign manufacturer.
- \$2.3M business breakup settlement where the plaintiff pursued claims against the defendant via highly skilled hourly counsel for several years with no offer. Alex was retained on a contingency and quickly prepared separate suits against defendants' family members for aiding and abetting, and realigned the demand to fit statutory oppression claims rather than common law claims to avoid the many defenses asserted. The business at issue was valued at less than \$2M by an independent valuation firm and our clients received more than the total valuation for 50% of the shares.
- 1.6x real estate investment recovered
- \$320K recovered in a securities fraud and shareholder oppression case on a \$200K investment

Prior to starting his own firm, Alexander was Chair of the Commercial Litigation Group at a firm concentrating in representing investors where he was 80% plaintiffs' side contingent/alternative fee litigation and international arbitration where he handled a variety of civil litigation cases from inception to appeal. Some of his most notable cases delivered the following:

- Represented 450 victims of a \$200M Ponzi Scheme in a series of actions including multimillion dollar settlements for claims alleging legal malpractice against the attorneys who organized the scheme and sold the investment, brokers who approved the investment, and investment advisors who sold the investment spread over seven different forums.
- \$1.8M in a securities fraud case on behalf of an elderly couple in Florida.
- Settled shareholder oppression claim netting the departing partner \$1M cash and \$3.2M purchase option.

Prior to leading up the Commercial Litigation Group at the investor recovery firm, Alexander was a trial attorney at Voelker Litigation Group

For a more complete bio, see: <https://www.loftusandeisenberg.com/alexander-n-loftus.html>



DAVID A. EISENBERG

Founding Partner

EXPERIENCE SUMMARY

David Eisenberg is a Founding Partner of Loftus and Eisenberg, Ltd and his passion and tenacity has been integral in the success and growth of the firm since it was established in June of 2020. David's practice includes all facets of commercial litigation with a specific focus on construction law. He takes a personal approach to his practice, going beyond simply connecting with clients and understanding their problems and goals, but taking on their problems as his own, fighting for them as he would himself or his family.

David has extensive experience in litigation and alternative dispute resolution, including arbitration and mediation, and has tried numerous cases to verdict. David was part of the trial team who secured the largest judgment in Illinois in 2016 in a case arising under the False Claim Act. Since establishing the firm, David's construction practice has largely focused on representing owners either in disputes with contractors or insurance companies and he continues to expand his practice and expertise across all facets of business law.

Although David prefers to resolve disputes in a collaborative fashion, prior to litigation arising if possible, he recognizes the need to aggressively pursue and protect his clients' interests in court. He has experience in sophisticated construction disputes, difficult real estate disputes, complex insurance coverage disputes, as well as overall general business disputes.

David is a leader in the world of construction litigation and frequently represents architects, owners, contractors, and subcontractors in legal matters concerning construction and design. Construction litigation matters can stem from construction defects, breaches of contract, significant delays, property damage, mechanics liens, among other issues.

Focuses his practice on commercial litigation and makes it a priority to take on each client as if he were fighting for a dear friend or family member



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HIGHLIGHTS

Illinois Super Lawyer 2022-24

Designation to only 5% of Illinois attorneys

Illinois Super Lawyer Rising Star 2015-21 & 2010-13

Designation to only 2.5% of Illinois attorneys



DAVID A. EISENBERG cont'd

Founding Partner

EXPERIENCE SUMMARY

From supporting clients with transactional and business planning and drafting construction contracts at the outset of a project to minimize the likelihood of litigation, to helping resolve disputes that arise during construction, or representing parties in court, David has the legal proficiency to ensure seamless construction projects.

Super Lawyers named David as an Illinois Super Lawyer from 2022 - 2024, with only 5% of attorneys in Illinois receiving the designation. Previously David had been named an Illinois Super Lawyer Rising Star by Super Lawyers, one of only 2.5% of Illinois attorneys under the age of 40 given the distinction, every year from 2010 through 2013 and 2015 through 2021. David was also named to the 2016 Chicago Jewish 36 Under 36 List by the Jewish United Fund and has previously served as the Chair of the Construction Law and Mechanics Lien Subcommittee of the Chicago Bar Association.

Much of David's career was spent with Much Shelist, P.C., a Chicago litigation powerhouse ranked by Chambers USA and perennially named one of the Best Law Firms in America.

David has authored and co-authored articles, book chapters and other publications relating to litigation, including the "Trial Practice: Pleading Practice" chapter for the 2010 edition of IICLE's Mechanics Liens in Illinois.

For a more complete bio, see: <https://www.loftusandeisenberg.com/david-a-eisenberg.html>



GAIL SCHNITZER EISENBERG

Partner, Employment Practice

EXPERIENCE SUMMARY

Gail is known for being the best in the business in regards to employment disputes with extensive experience with all phases of litigation and administrative proceedings.



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HIGHLIGHTS

Illinois Super Lawyer Rising Star 2017-24

Designation to only 2.5% of Illinois attorneys

American Bar Association Top 40 Lawyers on the Rise, 2021

Awarded a two-year ABA Young Lawyers Division Fellowship and elected to the ABF Fellows

Global honorary society for those who have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities, membership to which is limited to 1% of licensed lawyers in each jurisdiction.

Gail Schnitzer Eisenberg leads our growing employment practice and focuses her practice on employees' rights. She approaches each matter with a pragmatic, empathetic lens rooted in legal analysis. Gail assists clients in a range of employment disputes related to race, gender, and other forms of workplace discrimination, harassment, and retaliation. Gail has experience with all phases of litigation and administrative proceedings as well as employment contracts, training, handbooks, and severance agreements.

Gail was appointed 2021-2023 chair of the Chicago Bar Association's Labor and Employment Committee and to the 2023 Nominating Committee. Gail Eisenberg elected Second Vice President of the National Employment Lawyers Association – Illinois FOR 2024, in addition to continuing her role as co-chair of the Legislative Committee.

The American Bar Association named Gail to its 2021 Top 40 Lawyers On the Rise list, which recognizes young lawyers who exemplify a broad range of high achievement, innovation, vision, leadership, and legal and community service. In 2022, the ABA of Labor & Employment Law Section awarded Gail a two-year Young Lawyers Division Fellowship, and the American Bar Foundation elected Gail to the ABF Fellows, a global honorary society for those who have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities, membership to which is limited to 1% of licensed lawyers in each jurisdiction.

Leading Lawyers has named Gail an Emerging Lawyer in Employment Law, and Super Lawyers named Gail as an Illinois Super Lawyers Rising Star in Employment Litigation every year since 2017, one of less than 2.5% of Illinois attorneys under the age of 40 given that distinction.



GAIL SCHNITZER EISENBERG cont'd

Partner, Employment Practice

EXPERIENCE SUMMARY

She had previously been named a Rising Star in Class Action litigation. Gail was also named to the 2015 Chicago Jewish 36 Under 36 List by the Jewish United Fund.

Gail is active in the community. In 2021, the residents of New Trier Township in the northern suburbs of Chicago elected Gail Township Supervisor after completing a four-year term as trustee, in which position she oversees the communities social safety net and social service programs. Gail also currently sits on the Administrative and Government Affairs Committees of the Jewish United Fund, co-chairs the Legislative Committee of the Decalogue Society of Lawyers, serves on the Quality Jobs Council for Women Employed, on her synagogue's board, as a Girl Scout Troop Leader, and on the Triage Cancer Legal Advisory Council. She is passionate about fighting prematurity and was selected to the inaugural class of Gretchen Carlson March of Dimes Advocacy Fellows in 2018 and now serves on the March of Dimes' North Suburban Leadership Council and Illinois Government Affairs Committee.

Before that, Gail worked as a Managing Associate at Dentons' Litigation and Dispute Resolution practice, where she focused on class action defense and other complex litigation primarily in the insurance, financial services, gaming, and media industries.

Gail began her legal career as a Staff Law Clerk at the U.S. Court of Appeals for the Seventh Circuit, where she worked on criminal and civil appeals as well as requests for leave to appeal the denial of petitions for habeas corpus. Gail also taught Appellate Advocacy at Loyola University Chicago School of Law.

During law school, Gail served as a judicial extern for the Hon. Joan Humphrey Lefkow for the Northern District of Illinois and as a Civil Procedure teaching assistant for Prof. Ron Allen. She also served as a Legal Extern at the United States Attorney's Office, Northern District of Illinois, and as a Civil Appeals Division Law Clerk at the Office of the Attorney General of Illinois Lisa Madigan. Gail represented clients in immigration proceedings as a part of the Bluhm Legal Clinic's Children and Family Justice Center at Northwestern Law, served as the Symposium Editor of the Journal of Law & Social Policy, and on the Miner Moot Court Board. Prior to attending law school, Gail served as a Civic Leadership Fellow at the Anti-Defamation League of Greater Chicago/Upper Midwest Region.

For a more complete bio, see: <https://www.loftusandeisenberg.com/gail-schnitzer-eisenberg.html>



ROSS GOOD

Attorney

Complex business litigator with focus on commercial, chancery, consumer class, and data privacy.



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HIGHLIGHTS

Led significant class actions, some with millions of members and settlements over \$20M.

Single-handedly envisioned, created, and maintained SerialObjector.com, a site providing journalists and others in the legal field with resources to understand and combat extortion in the approval process of class action settlements

EXPERIENCE SUMMARY

Ross is a tenacious, mission-focused, and passionate attorney with over ten years of experience as a lawyer in complex litigation and class action lawsuits in both State and Federal courts across the country. Ross not only possesses the creative intellect and ability to navigate issues of first impression but he is also adept in case development, factual and legal research and writing, complaint drafting, client interaction, and discovery matters. Ross has the proven ability to lead a team and work directly with both clients and council, providing practical and effective advice to business leaders and developing relationships with key business stakeholders.

Prior to coming to Loftus & Eisenberg, Ltd. Ross was an associate attorney promoted upon law school graduation at class action power house Anderson + Wanca. At his prior firm, Ross mastered the ability to develop and analyze case backgrounds and evidence to develop the strongest litigation strategy to maximize return for class members. As a part of the Loftus & Eisenberg, Ltd. team, Ross continues to work on all areas of complex business litigation including consumer class, and data privacy.

Ross single-handedly envisioned, created, and maintained SerialObjector.com, a site providing journalists and others in the legal field with resources to understand and combat extortion in the approval process of class action settlements.

The site helped hundreds of class action settlements thwart extortion attempts by serial objectors. Ultimately, SerialObjector.com helped usher in changes to the Federal Rules of Civil Procedure governing how objections to class action are handled to prevent this type of extortion in the future.



ROSS GOOD cont'd

Attorney

EXPERIENCE SUMMARY

In addition to being a leading class action litigation attorney, in his earlier years at Anderson + Wanca, Ross led a 12-person research team on litigation in federal and state courts as well as performed data analytics.

Ross has led significant class actions, some with millions of members and settlements over \$20M. A few notable Consumer Class Action cases were:

Sawyer v. Stericycle | \$45M Settlement | 56,622 Members

- Ross deposed witnesses, handled subpoenas for third-party documentation critical to defining the class as well as retained Plaintiff's experts in telecommunications and handled briefing on several discovery motions. Ross also participated in the mediation culminating in the class-wide settlement less than 15 months after the case's filing.

C-Mart v. Metlife | \$23M Settlement | Millions of Members

- Where Ross participated in three mediations that culminated in a complex settlement that withstood multiple objections heard by the Illinois Supreme Court, led a document review team of six to examine hundreds of thousands of documents leading to the discovery of information that triggered the settlement and briefed and argued critical motions, including obtaining class certification and prevailing against a Rule 23(f) challenge.

Cin-Q v. Buccaneers | \$19.75M Settlement | 131,011 Members

- Ross participated in discovery, including numerous depositions of third parties in the United States and Canada. During litigation, Ross participated in the successful thwarting of an inferior class-wide settlement through briefing in front of the district court and ultimately an interlocutory appeal to the 11th Circuit. Ross argued numerous critical motions, including an evidentiary hearing. Ross remains Class Counsel in this ongoing matter.

Physicians Healthsource v. A-S Medication Solutions | \$5.5M Judgment | 11,422 Members

- Ross deposed witnesses and handled subpoenas for third-party documentation critical to defining the class as well as retained Plaintiff's experts in data recovery and handled briefings on several motions for class certification and summary judgment and appeals.

For a more complete bio, see: <https://www.loftusandeisenberg.com/ross-good.html>



JEFFREY DORMAN

Attorney

Business Litigator. Economist.
Mathematician, Appellate
Wizard.



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HIGHLIGHTS

Previous partner at Sonnenschen Nath & Rosenthal (now SNR Dentons)

Practice focused on antitrust and tax
controversy litigation and counseling
and massive class action litigation

Developed a statistical and distinctive
mathematical model for use in
evaluating litigation risk and potential
recovery developing numerous custom
solutions based on complex legal
matters.

EXPERIENCE SUMMARY

Jeffrey Dorman is highly accomplished attorney with over 45 years of combined experience as a trial lawyer, alongside academic and professional training in econometrics, mathematics, and computer programming which enables him to deliver excellent results in complex litigation. Prior to joining Loftus & Eisenberg, Jeff worked alongside Alex at Stoltmann Law Offices focusing mainly on business tort disputes, trust and estate litigation, ERISA class action, intellectual property law, but providing multifaceted legal strategies across numerous commercial litigation cases. Jeff also worked with Alex at Voelker Litigation Group arbitration and mediation, consumer law, stockbroker and investment fraud and securities law.

Prior to that, Jeff was a partner at the litigation powerhouse of Freeborn & Peters where Jeff focused mostly on complicated antitrust and civil litigation. Jeff also developed quantitative evidence based on mathematical, accounting, and statistical models and created software to estimate expected value of litigation and potential litigation risk, which have proven to be invaluable in helping to resolve numerous multifaceted, involved legal matters.

Jeff spent much of his career at one of the world's largest law firms defending intricate antitrust and very involved class actions. Jeff was a partner at Sonnenschen Nath & Rosenthal (now SNR Dentons) until 2000 where he focused his practice on antitrust and tax controversy litigation and counseling and massive class action litigation. There, Jeff also concentrated on statistical and distinctive mathematical model development for use in evaluating litigation risk and potential recovery developing numerous custom solutions based on complex legal matters.



JEFFREY DORMAN cont'd

Attorney

EXPERIENCE SUMMARY

Over the years Jeff has worked with numerous Fortune 100 clients including Frito-Lay Inc, Sears, The Boeing Company, & Co.; and Ethyl Corp and he has been recognized by numerous prestigious organizations for his legal achievements. Leading Lawyers Network has recognized Jeff as a “Leading Lawyer in Antitrust Law and Commercial Litigation” and Jeff was also recognized with the Superior Achievement Award when he was an antitrust attorney for the United States Department of Justice. After transitioning from large law firm practice to focus his practice more on his passion of appellate brief writing and guiding complex litigation strategy.

Jeff has collaborated with expert witnesses to create damage models that are easily explained to a judge or jury and maximize potential recovery. Besides damage estimates, Jeff has designed numerous statistical studies to prove facts critical to the liability phases of litigation. Jeff's models are specifically designed to withstand cross-examination, meet Daubert standards, and comply with applicable rules of evidence. Jeff has also written computer programs to estimate litigation risk and potential recovery. His software has been used by clients to negotiate settlements and to quantify contingent liabilities for reporting and accounting purposes.

Jeff graduated from the University of Michigan with a B.A. in Economics and Mathematics and from Case Western Reserve University School of Law with a LL.D. in Antitrust Law. Jeff also completed a M.S. (ABD) in Industrial Organization and Econometrics from University of Wisconsin-Madison.

For a more complete bio, see: <https://www.loftusandeisenberg.com/jeffrey-dorman.html>

Practice Areas

Accounting Malpractice	Long Term Care Insurance Fraud
Arbitration and Mediation	Ponzi Schemes
Business Law	Real Estate Litigation
Franchise	Sales Commission Claims
Shareholder and LLC Member Disputes	Securities Litigation
Transactions and Business Planning	Data Breaches
Business Litigation	Employment Law
Antitrust Litigation	Legal Malpractice
Breach of Contract	Trust and Estate Litigation
Business Torts	Trade Secret Misappropriation
Construction Litigation	Consumer Privacy and Data Breaches
ERISA Litigation	

Results Highlights

Loftus & Eisenberg obtained \$25,000,000 for investors in who were victims of the largest Hollywood Ponzi via a series of class actions and Bar Order Settlements.

\$2,600,000 settlement during trial for 86-year-old insurance salesman. Salesman was terminated and stripped of over \$800,000 in commissions. The contract said insurance company had "sole discretion" in terminating him. The trial was bifurcated liability and damages and Alex proved the insurance company exercised the discretion in bad faith. The case settled for the full amount of past commissions plus the likely future commissions

\$1,900,000 settlement for group of franchisees against a franchisor and it's independent bookkeeper. The claims alleged the franchisees were fraudulently induced into the franchise and the bookkeeper aided and abetted the false financial representations. The claim against the bookkeeper was the first of its kind. The claim against the franchisor required litigation directly against its insurer who originally denied coverage then eventually paid over its policy limits.

\$1,845,614 securities fraud settlement for sale of unregistered securities on behalf of an elderly Florida couple in Sarasota County Court.

\$860,000 jury verdict in Northern District of California on breach of fiduciary duty claim. The defendants final offer before trial was \$70,000.

Represented group of over 400 investors in achieving a series of confidential settlements to recover most of their \$40,000,000 investment lost in a South Florida Ponzi Scheme.



Recent News Coverage

Alexander Loftus featured on CBS 2 Chicago discussing an investment fraud class action filed today in Cook County seeking \$46M in investment losses. (Mar 2024)

Alexander Loftus featured on ABC 7 Chicago discussing a class action involving a movie funding Ponzi scheme. (Feb 2024)

Virginia resident files class action lawsuit against Chattanooga accounting firm for malpractice (Dec 2023)

Alexander Loftus was interviewed by NBC 5/Telemundo to help thousands of CryptoFx investors in the Chicago Latino community understand the complex legal process of unwinding a Ponzi scheme. (Nov 2023)

Loftus & Eisenberg has filed a \$13M TCPA lawsuit over alleged spam ads which is possibly the largest junk fax operation in the US. (Sep 2023)

NFL Buccaneers' Fax Spat Incites 'Never-Ending' Legal Fees Feud featured on bloomberglaw.com (May 2023)

Gail Eisenberg featured on CBS 2 Chicago for case against Bank of America Naperville woman files lawsuit against - CBS Chicago (June 2023)

Alexander Loftus featured on CNBC's American Greed's Streaming and Scheming Episode S15 E15 about Hollywood's largest Ponzi Scheme where Loftus and Eisenberg is representing many of the investors. (Nov 2022)

Alexander Loftus's interview on The Face of Community and Business Legal Network Podcast (June 2022)

